

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI**

IN THE MATTER OF:

CHAPTER 13 CASE NO.:

BRYAN BROWN

18-14374-JDW

OBJECTION TO CONFIRMATION

COMES NOW Locke D. Barkley, Chapter 13 Trustee, by and through counsel, and files this Objection to Confirmation (the "Objection") and in support states as follows:

1. The Debtor initiated this proceeding with the filing of a voluntary petition for relief on November 2, 2018. The Chapter 13 plan (Dkt. #2) (the "Plan") was filed that same day.
2. The Debtor is below median income and has proposed a plan term of 60 months with no distribution to nonpriority unsecured creditors.
3. On December 17, 2018, Resurgent Capital Services filed a secured Proof of Claim (Clm. #7) on behalf of CVI SGP-CO Acquisition Trust ("Resurgent") in the amount of \$1,433.52. The claim is secured by virtue of a purchase money security interest in jewelry purchased by the Debtor from Kay Jewelers.
4. Schedule A/B (Dkt. #1) does not disclose any of the jewelry identified in the Proof of Claim.
5. The Plan contains no provision for the Resurgent claim. The Plan must be amended¹.
6. The Trustee requests that confirmation of the Plan be denied. Should the Debtor be delinquent in plan payments at the time of the hearing on this Objection, the Trustee also requests that the bankruptcy case be dismissed.

¹ The Trustee will object to any proposal to pay any portion of the claim of Resurgent as a secured creditor. The Trustee suggests the claim should be identified in Section 3.2 with a value of \$0.00 and a reference to Section 8.1

WHEREFORE, PREMISES CONSIDERED, Locke D. Barkley, Chapter 13 Trustee, prays that upon notice and hearing that this Court enter its order sustaining the Trustee's Objection and for such other relief to which the Trustee and this bankruptcy estate may be entitled.

Dated: December 21, 2018

Respectfully submitted,
LOCKE D. BARKLEY, TRUSTEE

BY: /s/ W. Jeffrey Collier
W. JEFFREY COLLIER, ESQ.
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CERTIFICATE OF SERVICE

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Dated: December 21, 2018

/s/ W. Jeffrey Collier
W. JEFFREY COLLIER

which should state that the Debtor does not have the collateral and the claim will be treated as a nonpriority unsecured claim pursuant to Section 5.1.